

# OXFORD

## MAGAZINE

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Very likely the Vice-Chancellor's recent all-staff message will have garnered more attention than usual. For those expecting the usual empty boosterism, this one came with a surprise: hard cash. The context might have made this seem like demob-happy largesse, but Professor Richardson stated – twice – that this was a Council decision:

*"This year [...] Council has decided that we would also like to recognize the contribution of all University staff. Council has therefore decided to make a one-off payment of £1,000 to [them]."*

Council decision it may be, but one wonders what's happened to usual procedures and processes around pay and reward, in some cases – the Recognition of Distinction exercise, for example – developed over years of hard committee work. Also surprising was the lack of information in the *Gazette*, where one might expect to see communications from Council.

The announcement came with the admission that working for the University has lately been hard and paid ever more poorly:

*"Many colleagues are facing financial difficulties and after an extended period of sustained effort and achievement. We are acutely conscious of the effects of rising inflation and pension changes and we know that this payment will not fully mitigate the challenges of the national economic climate".*

As the response from UCU's local branch president David Chivall put it:

*"The payment is an implicit admission that many of you employed at a world-leading university are facing financial difficulties. This is because, even before the current crisis, your pay has not kept up with inflation and your pension (if you have one) has been cut."*

## Sowing divisions

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It's hard not to wonder why, if pay and pensions are such a problem, the University hasn't worked harder either to influence the national picture, or come up with long-term,

sustainable plans to address this locally. Neither is this a cheap measure; as of 31 July 2021, the University had 14,572 employees; even a conservative estimate puts the cost of this largesse at between £8 and £9 million.

Getting further into the details, the V-C continued: the payment will be made in July to all University staff in post on 30th April and still working for the University in July this year. Part-time staff will receive a pro-rata payment; casual staff will need to meet certain qualifying criteria. And yet, if this is a pandemic mitigation effort, why not work in a more targeted fashion? It's widely accepted that certain groups fared far worse in financial and health terms under COVID – those with caring responsibilities, particularly working mothers; early career researchers; those on casual contracts; those who couldn't work from home (cleaners and scouts, for example). Were more specific measures considered and rejected?

No one likes to sound ungrateful but the payment raises rather more questions than it answers. Does Council think that this – for lack of a better word – bonus, settles the pay and pensions debate, or does it have half an eye on the next round of strike ballots? What do the colleges think of this – were they consulted in any way and will any choose to replicate this gesture? One source suggests this would cost the average college upwards of £200,000, and more if awarded to the joint-appointees already getting the £1k from the University. One can only imagine the consternation among some Estates Bursars and Heads of House, particular in poorer colleges, already struggling to pay their utility bills; and one can only assume that the gesture complies with the relevant charity law on ex gratia payments, and that the Office for Students is on

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...and much more

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board. And a penny for the thoughts of those who will miss out: not just college staff, but those who work insufficient hours, or whose contracts ended too early, or who are sub-contracted. There is a potentially large group of people who do many if not all the things that recipients do, who will get little or nothing. Even more shocking would be a situation in which some colleges pay out and others do not, compounding the unfairness of which many post-holders may only fleetingly be aware.

Better-heeled colleagues have been given the option to divert the funds in a “tax-efficient” fashion to their pension pots; others may opt to return the money to a staff hardship fund,<sup>1</sup> the very existence of which is quite a sign of the times – not just COVID, highlighted on the relevant webpage, but living conditions in Oxford more generally. An interesting statistic that we will never see is the proportion of staff by wage band who return this payment.

The recipients will include some of our most highly paid colleagues, including P-V-Cs, senior professional staff, and academics in the Saïd Business School and Department of Economics, for whom after tax and NI this might well amount to no more than loose change. As much as one might be in favour of universal benefits, the wisdom of

bunging an extra grand to, let’s say, a home-owning statutory professor in North Oxford, is not beyond question.

There is a wider context, and an image question too. The UCU statement continued:

*“in national pay negotiations, universities across the country – including Oxford – [...] have made a final offer of a 3% uplift in the same month that the annualised rate of inflation reached 11.1%. We hope that today’s announcement is a sign of growing recognition that this is derisory and unacceptable.”*

If the central University might be accused of riding roughshod over colleges, in what may well, in effect, be the V-Cs last act – and one for which she will be long remembered – one might also wonder how this looks from other institutions, at many of which this last academic year has been – and still is – marked by strikes, threats of redundancy, and discontent on a massive scale.

B.B.

<sup>1</sup> Further information on the Staff Hardship Fund is available at <https://staff.admin.ox.ac.uk/article/staff-hardship-fund-do-you-need-help-paying-your-bills>

Why now? Is free speech a new and real problem in universities? If so, what solutions are available that are likely to work?

It is often claimed, usually by opinion formers far removed from the chalk-face, that problems revolving around free speech have been much exaggerated and not worthy of the attention they get at present. Despite the surveys used as evidence – there are recent polls suggesting that the majority of UK staff and students self-censor what they say – the scale of the problem is, in reality, unknowable because, guess what, survey respondents are going to be careful in this controversial and polarising area to tailor their responses to the occasion. But just one incident, such as the hounding out of her job of Professor Stock (see *Oxford Magazine*, No. 438, 8th Week, MT 2021), ought to be enough to raise major concerns and lead to change. There can be few academics these days who are not aware of behaviour and language that just a few years ago would have been regarded as uncouth and totally unacceptable in public discourse. Societal standards have evolved and correspondingly universities have to protect staff and students appropriately in response.

The issues have now become politicised, if not actually weaponised. The Higher Education (Freedom of Speech) Bill is completing its passage through parliament. It gives the Office for Students power to arbitrate in cases of possible abuse of free speech in universities brought to its attention by staff, students or the public, along with power to penalise universities (and student unions), e.g. financially. All of this has the potential to go very wrong indeed: will complainants be able to avoid a university’s own resolution procedures by going straight to the OfS, will the OfS be inundated by complaints (real and bogus, trivial and serious) on a scale worthy of the Twittersphere, will the OfS pick and choose between cases with an eye to their po-

## Reviewing Free Speech

litical implications? Where would the already curtailed autonomy of universities be left?

Cambridge has been trying to revise its regulations on free speech for some time – it has yet to decide terminologically between ‘respect’ and ‘tolerance and courtesy’ as determi-

native criteria – and it submitted a response on the draft Bill. Many English universities are known to be moving similarly to update their procedures. Oxford made no submission, nor has it announced any review or reforms of its processes relating to free speech. As we revealed in a recent issue following a Freedom of Information request (*Oxford Magazine*, No. 444, 2nd Week, TT 2022), the University itself does not know how many complaints or harassment cases it is dealing with at any one time.

The core problem that faces the OfS, in just the same way as every university, is the inevitable complexity of the issues arising in any given complaint case and the fairness of procedures used to resolve them. As has been pointed out in submissions on the draft Bill the requirements of the various Education Acts protecting free speech, the Equalities Act, the Prevent Strategy, and Human Rights Legislation can all be simultaneously relevant – and potentially in conflict – in certain cases and no amount of careful parliamentary re-drafting can anticipate every situation or fully guide those making determinative decisions on the cases.

The Question on the agenda of this week’s Congregation meeting reflects these difficulties and is in itself not envisaging any single, simplistic solution. It has a number of elements. It seeks consistencies and greater explicitness across University statutes, regulations, codes of practice and websites on such matters as the relevance of the Equalities Act in particular situations, along with greater written emphasis in particular on the overriding priority of free speech considerations in all University settings. It also asks for improved triaging of cases and explicit rec-

ognition that what is said on social media is by and large outside the University's responsibility. Whether Wellington Square likes it or not – in Council's answer in the *Gazette* no changes seem to be contemplated – the new Act will herald greatly increased external scrutiny and quite possibly the imposition of national standards in our disciplinary codes of practice and procedures.

What is in danger of being lost in much of this is the hard reality of how cases are handled in practice and particularly the issue of the fairness and consistency of the disciplinary procedures applied among complaint cases. Legal formulations only get you so far. Test cases in Employment Tribunals or the Courts are occasional and extreme examples, but no help in the messy particularity of everyday disputes. The overriding requirement of maintaining 'confidentiality' – plus non-disclosure agreements – means that few people get to know what actually happens in disciplinary and complaint investigations and even fewer can get an overview of practices across the whole body of cases occurring through time.

What is not mentioned in the Question before Congregation, and is avoided in the new Act, are practical but crucial matters such as who does the investigating and how they are chosen. What qualifications are required and what type of person is most suitable? What are the standards of acceptable behaviour and expression that are being applied by the investigators in the context of our ever more complex institution, where there is so much scope for interpersonal misunderstandings, or intemperate, ill-considered and frankly ignorant remarks? Increasingly HR roles and case handling are farmed out to expensive private companies who have no understanding of universities or their value systems. At a time when it is so easy to trigger a complaint against a colleague and when universities are so protective of their reputations the personal devastation that so often results following a complaint should be reason enough to re-examine what we mean by free speech in a university context and to open procedures up to scrutiny so that the whole university community can be reassured that fair and equitable standards are being applied.

T.J.H.

## How to initiate Congregation actions

### *How to trigger a debate or discussion in Congregation*

It is open to any 20 or more members of Congregation to propose a resolution or topic for discussion at a meeting of Congregation; requests must be made in writing to the Registrar not later than noon on the 22<sup>nd</sup> day before the relevant meeting. Any 2 or more members of Congregation can submit an amendment to, or announce an intention to vote against, a resolution or a legislative proposal (*i.e.* a proposal to amend the statutes). Notice must be given to the Registrar (in writing) not later than noon on the 8<sup>th</sup> day before the meeting.

### *Questions and replies*

Any 2 or more members of Congregation may ask a question in Congregation about any matter concerning the policy or the administration of the University. Requests must be submitted to the Registrar (in writing) not later than noon on the 18<sup>th</sup> day before the Congregation meeting at which it is to be asked. The question and the reply (drafted by Council) will be published in *Gazette* in the week prior to the relevant meeting. The answer is also formally read out at the meeting. Supplementary questions are allowed.

### *Postal votes*

Attendance at meetings of Congregation tends to be low. Postal voting can potentially allow opinion to be easily accessed more widely across Congregation membership. Congregation can trigger a postal vote after a debate (but not after a discussion or a question and reply where no vote is taken). 25 or more members of Congregation have to be present ("on the floor") at the relevant debate. The request must be made by 4pm on the 6<sup>th</sup> day after the debate, signed by 50 members of Congregation, in writing to the Registrar. Council can also decide to hold a postal ballot, by the same deadline.

### *Flysheets*

To generate a flysheet for publication with the *Gazette*, the camera-ready copy (2 sides maximum) should be submitted with at least 10 signatures on an indemnity form (obtainable from the Registrar) by 10am on the Monday in the week in which publication is desired.

Regulations governing the conduct of business in Congregation can be found at: <http://www.admin.ox.ac.uk/statutes/regulations/529-122.shtml>

Items placed on the agenda for Congregation are published in the *Gazette*.

The Congregation website is at: [www.admin.ox.ac.uk/councilsec/governance/congregation](http://www.admin.ox.ac.uk/councilsec/governance/congregation).

Advice on Congregation procedures is available from the Council Secretariat on request (email: [congregation.meeting@admin.ox.ac.uk](mailto:congregation.meeting@admin.ox.ac.uk)).

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# The Faltering State of Academic Freedom

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BRYN HARRIS AND KAROLIEN CELIE

The honest pursuit of knowledge and truth, which is the job of academics, cannot be achieved without a robust framework which protects their academic freedom.

Academic freedom is not, in origin, a legal concept, although it is something that the law protects in this country. Originating in Germany and the United States, the concept took shape in the early twentieth century when philosopher John Dewey and other academics founded the American Association of University Professors (AAUP). Their aim was to ensure that academics who departed from ‘conventional standards’ in pursuing new ideas could not be dismissed because of the disfavour of the powerful – university trustees, for instance, or donors. Dewey’s efforts culminated in the tenure system, which was effectively abolished in the UK in 1988.

Academic freedom has two limbs – the freedom of the individual academic to pursue truth and knowledge, and the freedom of the academic institution to manage its own affairs. The two can come into conflict. A faculty’s autonomous decision to ‘decolonise’ its curriculum (to ‘move away from a white, Eurocentric curriculum’ in the unlovely words of the University of Exeter) may infringe the freedom of the individual academic who is compelled to teach such a curriculum despite his or her belief that it is intellectually meritless. Whose autonomy should be preferred in that instance – the individual academic’s or the faculty’s?

Consider a possible (albeit highly unlikely) scenario. Let us say that a university decided that truth, factual accuracy and intellectual honesty are worthless, and that the proper aim of its academic staff should be to pursue a particular conception of justice. Here it becomes clearer that our society’s interests weigh in favour of individual over institutional autonomy. Many other institutions can be relied on to provide justice (courts or social workers, say), but only the academy can provide complete intellectual freedom to think, discover and challenge. Without protection of individual intellectual autonomy, which includes freedom from restrictions imposed by academic institutions, the public interest is cheated – an institution that doesn’t allow the free individual pursuit of truth and fact just isn’t worth the taxpayers’ money.

The AAUP in its *General Report of the Committee on Academic Freedom and Academic Tenure* of 1943 certainly didn’t hold back in articulating the public interest in academic freedom:

*‘To the degree that professional scholars, in the formation and promulgation of their opinions, are, or by the character of their tenure appear to be, subject to any motive other than their own scientific conscience and a desire for the respect of their fellow experts, to that degree the university teaching profession is cor-*

*rupted; its proper influence upon public opinion is diminished and vitiated; and society at large fails to get from its scholars, in an unadulterated form, the peculiar and necessary service which it is the office of the professional scholar to furnish.’*

Stirring stuff, and somewhat removed from the boilerplate beloved of university HR departments. University administrators should remind themselves that academic freedom is not only for the benefit of enabling them to do their jobs, but is in fact a public good within the liberal paradigm. It exemplifies and advances the free exchange of all ideas (no matter how distasteful or unpopular) in pursuit of truth, progress, and the fulfilment of individual and societal needs. It must, therefore, be robustly defended.

Where, then, does the law come into this? The short answer is – it shouldn’t come into this at all. Universities should no more need law’s compulsion to fulfil their integral social purpose, than they should need Parliament or the courts to tell them how to mark essays or deliver lectures.

The law must and does step in, however, where failure to do what a reasonable and fair person would do anyway, in the absence of compulsion, results in harm to individuals’ or society’s wellbeing. Any discussion of the law surrounding academic freedom must therefore start from a basic truth – it is a profound indictment of our universities that we should even need to contemplate their legal obligation to safeguard academic freedom. Nevertheless, it has been necessary in the past and we are again in a position where we must turn to the law to demand that the university upholds our academic freedom.

The relevant obligations are set out in UK legislation and in European human rights law.

In response to instances of what we would now refer to as ‘cancellation’ (a person being silenced, intimidated, sacked or de-platformed) Parliament legislated to protect free speech within the university more than 30 years ago. Section 43(1) of the Education (No. 2) Act 1986 provides that the University must take reasonably practicable steps to secure freedom of speech within the law for students and academic staff of the University. This means academics have “the right to say things which ‘right-thinking people’ regard as dangerous or irresponsible, subject only to clearly defined exceptions laid down by common law or statute.”<sup>1</sup> The University is not at liberty to impose restrictions on freedom of speech that are even more restrictive than Parliament intended.

On the European level ‘academic freedom’ has been defined as a key facet of Article 10 of the European Convention on Human Rights (the right to free expression) and as encompassing our right to “freedom of expression and action, freedom to disseminate information and

conduct research and distribute knowledge and truth without restriction.”<sup>2</sup> This right has been transposed into domestic law by way of the Human Rights Act of 1998 and has been held to extend not only to “information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.”<sup>3</sup> Academic free speech protects such controversial and ‘offensive’ information/ideas at an even higher level and has been held to apply beyond the teaching and research settings and in relation to the internal politics of universities.<sup>4</sup> Even minimal reprimand can constitute an unlawful interference with an academic’s exercise of academic freedom as even this can have a ‘chilling effect’ on fellow academics.<sup>5</sup> This seems right – academics enjoy a status (or perhaps ‘bear a burden’) which is similar to that of journalists, acting as, in effect, ‘public watchdogs’ – performing a job that is essential to the proper functioning of democratic society.<sup>6</sup>

### The Question

Nine members of Congregation have formally (see *Gazette* (Supplement (1) to No 5352, Vol 152), 7th Week, TT 2022) put a question to the University’s Council asking if it will amend its harassment and social media policies in order to comply with legal protections for academic freedom and freedom of speech. The Question, along with the Council’s reply, was published in the *Gazette* on 9 June.<sup>7</sup>

The Question broadly asked for the following:

**Substantive change:** the policies should be amended so that speech is only prohibited when it is lawful to do so – that means, in particular, a very high level of protection for academic and political speech;

**Procedural change:** the University should introduce a ‘triage’ system so that vexatious and malicious complaints of harassment can be dismissed at an early stage, without academics having to endure a long process that is punitive in itself; and

**Cultural change:** the University should train disciplinary decision-makers in free speech and academic freedom protections – that means instructing decision-makers to start from the presumption that speech is protected, and only then asking if the impugned conduct can rebut that presumption.

These are not abstract matters. The injustice that results from bad policies is real and intolerable.

The purpose of the Question was not to allow harassment or encourage incivility. We believe – as, we imagine, do all signatories to the question – that the University should have power to restrain destructive and gratuitously abusive conduct, even when such conduct is strictly lawful. In doing so, however, the University must be cautious and thoughtful. It does not and may not wield some exorbitant power to prohibit all conduct that could conceivably be ‘harmful’, and it certainly cannot dispense freely with the law of the land. Restrictions on speech must be proportionate, legally justifiable and, so far as possible,

immune from abuse by the vexatious and the malicious. Safeguards must be built in to ensure that legitimate academic and political expression is not sanctioned.

Any policy that can be used to suppress legitimate academic expression – particularly on a matter of pressing public concern – has no place in a university.

### The Reply

What, then, of the University’s reply? Despite benefitting from the advice of a QC, the Reply could charitably be described as ‘thin’. It prompts many questions, and answers none.

At paragraph 3 of the Reply, Council states:

*‘In formulating its statutes, policies and procedures, the University must also take into account other factors, such as its duties to staff and students, other obligations under the Convention, its public sector equality duties.’*

The problem with this answer is that it simply evades the Question, which was a pointed one. Some conduct targeted by the University’s existing Harassment Policy is, in law, not harassment at all. What the signatories therefore wanted to know was the following: if the duties not to harass or permit harassment cannot justify interference with academics’ and students’ lawful free speech, then what other duties might provide the required justification?

The signatories were told by way of reply that the Universities has its ‘duties’, and that’s that. It certainly does have its duties, of course – to prevent slips and trips in hallways, for instance, or to safeguard personal data, avoid the use of asbestos etc. – but we are left none the wiser as to which of its specific duties require it, e.g., to censor junior academics who dare to communicate their expert knowledge.

As this question remains open, it is worth speculating what mystery duties Council might have had in mind.

There are criminal law prohibitions (and correlative duties) regarding public order – for instance, one must not cause alarm, harassment or distress, nor incite racial hatred. However these are very unlikely to be the mystery duties we seek. They will apply only very rarely, if ever, at the University of Oxford, and in any case, the Harassment Policy prohibits speech that ‘has the effect of creating an offensive atmosphere’ – i.e. conduct that falls far short of any public order offence.

Could it be instead that the University believes that it must protect academics and students from offence and harm (even of the wholly legal sort) because of its duty of care – that is, its duty to prevent harm that is foreseeable, and avoidable through reasonable measures? There may be something in this – the duty to secure lawful free speech obviously does not and should not override the duty to prevent serious and avoidable (and wrongful) psychological injury.

Even if this is the mystery duty on which the University relies, it will only take it so far. In a recent case against the University of Bristol, it was held by the judge that a university’s duty to prevent harm to students arising from speech is very slender indeed.<sup>8</sup> Therefore, if the aim of the Harassment Policy is to ensure the University complies

with its duty of care, the policy is wildly disproportionate to that legitimate aim.

In addition to those unspecified ‘duties’, Council in its reply also cited ‘other obligations under the Convention.’ The other obligations under the European Convention on Human Rights are indeed always relevant because the Article 10 right to freedom of expression is a qualified right. That means it must be balanced against competing Convention rights, and particularly the Article 8 rights to reputation and personal autonomy.

Again, however, Council’s Reply simply talks past the Question. The detailed note appended to the Question had pointed out that other relevant obligations under the Convention cannot override the protection of academic and political speech (except in extreme cases), because the law protects such speech so strongly. Were it clear that certain obligations and duties justify the provisions of the Harassment Policy, there would have been no need to ask the Question. That much is, however, not clear at all – indeed, it remains unclear and the Question remains unanswered.

A similar problem bedevils the fourth paragraph of the Reply:

*‘The University’s policies reflect its at times conflicting obligations.’*

This disregards entirely the fact that the law largely obviates such conflicts by prioritising academic and political speech in all but the most extreme cases. Free speech and academic freedom may give rise to a conflict of *values* for the University, but that is beside the point – the University must obey the law over and above its values. The relevant question is: in light of the law’s demand that such conflicts be resolved by prioritising academic freedom and free speech, how does the University *legally* justify its policy of prioritising the prevention of offence above protection of academic freedom? Answer came there none.

Paragraph four goes on:

*‘The University’s policies reflect its at times conflicting obligations by ... distinguishing between the freedom to explore and express ideas and the manner in which such ideas are expressed’*

This is simply baseless. The law protects both the content *and form* of speech, and it expressly protects ‘strong and harsh’ academic speech.<sup>9</sup> There are circumstances where the tone of impugned speech can be relevant to the question of whether or not such speech is protected in law, but they are limited, whereas the Harassment Policy proposes to police and sanction a vast range of speech. The purported distinction between protected speech on the one hand and, on the other, ‘improperly’ expressed speech that may be lawfully suppressed is fictitious, and cannot provide a legal basis for the University’s policies.

The Question was an opportunity for the University to vindicate its position by setting out clearly those elusive legal grounds on which its policies can be justified. Its failure to do so must give rise to the inference that it has failed to identify such grounds because they do not exist. The outcome is that the University now holds, publicly and on record, that any speech that ‘has the effect of creating an offensive atmosphere’ is not protected by law and can be suppressed without legal consequences. This is an untenable position, and should not be allowed to stand.

## Conclusion

Creating fair and lawful policies and procedures for safeguarding academic freedom need not be difficult. Much could be achieved by adopting the following basic principle – in any disciplinary case, presume that the impugned speech is lawful, unless evidence of unlawful or destructive conduct provides the necessary (and exceptional) legal grounds to rebut that presumption.

Administrators who must reconcile the University’s principles with its resources should consider that tolerance costs nothing. A live-and-let-live approach to speech is likely to prove much less costly than long and often shockingly laborious disciplinary procedures. The easily offended will of course object – and in turn it will cost nothing, beyond moral courage, simply to ignore them.

‘Cancellation’ is rapidly spreading within British universities: the group ‘*Academics for Academic Freedom*’ has been listing academics, speakers and university members who have endured some form of cancellation since 2005; 146 in total, 78% of them since 2017. Equally chilling is the finding by Dr Tena Prelec that two thirds of social sciences faculty members in her recent survey admit to self-censoring.<sup>10</sup>

This should cause alarm, along with a realisation that the unsuspecting academic minding his or her own business might be ‘cancelled’ next. Our organisation the Free Speech Union, which has provided support and assistance to the signatories to the Question, deals with a large volume of university cases. The oft-repeated claim that campus intolerance is a figment of the right-wing imagination is, sadly, unserious. The problem is real, and we are taking an increasingly robust approach to combat it.

The backdrop to the Question to Congregation is, of course, the Higher Education (Freedom of Speech) Bill, which recently returned to the House of Commons for report stage. When it becomes law, it will impose stronger duties to protect academic freedom of speech, with liability in damages for failure to do so. The University needs to get this right. More than that – it needs to lead the way.

The Question and Reply must remain unfinished business. If you wish academic freedom to continue to thrive at this ancient institution, we urge you to take up the matter.

- 1 *R v Central Independent Television plc* [1994] 3 All ER 641 at 651
- 2 *Sorguç v. Turkey*, App. no. 17089/03 (2009) [34] and [35].
- 3 *Handyside v United Kingdom*, Application no. 5493/72 (1976).
- 4 *Erdoğan v. Turkey*, Apps. nos. 346/04 and 39779/04 (2014), and *Kharlamov v. Russia*, App no. 27447/07 (2016).
- 5 *Kula v Turkey*, App. No. 20233/06 (2018) [38] and [39].
- 6 *Magyar Helsinki Bizottság v. Hungary*, App. no. 18030/11 (2016), [167] and [168].
- 7 Supplement (1) to Gazette no.5352, Thursday 9 June 2022, available online at [https://gazette.web.ox.ac.uk/sites/default/files/gazette/documents/media/question\\_under\\_part\\_5\\_of\\_congregation\\_regulations\\_2\\_of\\_2002\\_-\\_1\\_to\\_no\\_5352.pdf?utm\\_source=090622\\_spark&utm\\_medium=email&utm\\_campaign=TT22Spark](https://gazette.web.ox.ac.uk/sites/default/files/gazette/documents/media/question_under_part_5_of_congregation_regulations_2_of_2002_-_1_to_no_5352.pdf?utm_source=090622_spark&utm_medium=email&utm_campaign=TT22Spark)
- 8 *Sánchez v University of Bristol*, 21 April 2022, at <https://1chancerylane.com/wp-content/uploads/2022/04/Sanchez-v-Uni-Bristol-final-21.4.22.pdf>
- 9 *Erdoğan v. Turkey* (cited at fn. 2 above), concurring opinion [9].
- 10 Tena Prelec *et al.* (2022) ‘Is academic freedom at risk from internationalisation? Results from a 2020 survey of UK social scientists’, *The International Journal of Human Rights*, DOI: 10.1080/13642987.2021.2021398.

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# Academic freedom

## – is it more than freedom of speech?

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G.R.EVANS

Earlier generations recognised that there was a special need to protect what we might now call ‘academic freedom’. In 1547, a Royal Proclamation about those disputing the doctrine of Transubstantiation, made an exception for academic discourse, ‘it not being intended thereby to prevent academical disputations in the University’. Protector Somerset wrote to the University of Cambridge on behalf of the nine-year-old Edward VI to assure it:

*‘that it is not in his highness myend to stop or interrupt therbie your common and wont disputations in Divinitie, whether it be in these maters or any other, neither at home in your Colledges ne yet in your comon scholes’,*

[but they should dispute] *‘with such sobriety, reverence, and lowlyness of spirit as becometh men of lernyng and knowledge’.*<sup>1</sup>

In *Rex. v. Woolston* (1732)<sup>2</sup> it was held that ‘disputes between learned men on particular controverted points’ were not subject to litigation, because:

*‘it may be of a very dangerous tendency to encourage prosecutions of this nature in the Temporal Courts, since it may give occasion to the carrying on of prosecutions for a mere difference in opinion, which is tolerated by law.’*

These were dispensations found necessary when the Reformation had changed the expectations which had been fundamental to the medieval use of formal ‘disputation’ in both teaching and examining, but they speak of a continuing assumption that in a university scholars must feel free to disagree, but preferably in a scholarly and rational manner.

However, describing this as ‘academic freedom’ is comparatively modern and that freedom now has to be defined and justified as somehow entitled to special protection beyond the general one of freedom of speech within the law. A specific freedom applying to universities is protected in two contexts. The first, Education (No.2) Act 1986, s.43, still requires universities to maintain and update a code of conduct protecting against the banning of invited speakers whose views are currently controversial. This was mainly directed at students.

A general provision on Freedom of Speech was approved by the Council as a Code of Practice on 9 February 2015, replacing an earlier one and subject to the requirement under s.43.

The second, *Education Reform Act* 1988, s.202, required the Commissioners set up under that Act:

*‘to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.’*

That created an employment protection. The freedoms protected by the 1986 and the 1988 Acts are maintained in the Higher Education and Research Act of 2017 s.2 (8) (c) and s.122 with amendments in Schedule 11 (5). However, both provisions responded to controversies of their time. In the case of the first it was student refusal to allow a platform to speakers whose views they disapproved of. It defines a university ‘campus’ as a free speech area. In the second, the prompter was the fear – strongly urged in the House of Lords – that if academic security of tenure was to be ended there must be protection for academics against being dismissed for their opinions.

There has been a tendency to conflate two distinct ‘freedoms’, the general freedom of lawful speech as something which a university has a duty to protect in its own physical spaces, and an ‘academic freedom’ allowing scholars a special freedom to test and expand knowledge.

However, the Office for Students, created under *HERA* 2017, lists in its Business Plan for 2022-3 under Regulation and Enforcement, the undertaking ‘to take steps to secure academic freedom and free speech’. It will also:

*‘Subject to the passage of the Higher Education (Freedom of Speech) Bill, and any relevant legislation enacted, we will develop a new regulatory approach to free speech and academic freedom’.*

‘We will involve students and students’ unions in shaping our regulatory approach to free speech’ it adds.<sup>3</sup> Ironically this seems to be legislation potentially limiting the institutional autonomy protected by the 2017 Act.

The new legislation was due to reach Report stage in the Commons on 13 June.<sup>4</sup> It rewords the 1988 s.202 provision slightly:

*‘A1 (6) In this Part, “academic freedom”, in relation to academic staff at a registered higher education provider, means their freedom within the law and within their field of expertise— (a) to question and test received wisdom, and (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways described in subsection (7). (7) Those ways are— (a) loss of their jobs or privileges at the provider; (b) the likelihood of their securing promotion or different jobs at the provider being reduced.’*

It adds a requirement to create a code of practice setting out specific duties concerning:

*‘(a) the provider’s values relating to freedom of speech and an explanation of how those values uphold freedom of speech, (b) the procedures to be followed by staff and students of the provider in connection with the organisation of— (i) meetings which are to be held on the provider’s premises and which fall within any class of meeting specified in the code, and (ii) other activities which are to take place on those premises and*

*which fall within any class of activity so specified,  
(c) the conduct required of such persons in connection with any such meeting or activity, and  
(d) the criteria to be used by the provider in making decisions about whether to allow the use of premises and on what terms.'*

It also distinguishes the 1986 and 1988 'freedom of speech' and 'academic freedom' requirements within a 'duty to promote the importance of freedom of speech and academic freedom':

*'A3 The governing body of a registered higher education provider must promote the importance of – (a) freedom of speech within the law, and (b) academic freedom for academic staff of registered higher education providers and their constituent institutions, in the provision of higher education.'*

It adds the relevant new duties for the Office for Students:

*'The OfS must promote the importance of – (a) freedom of speech within the law, and (b) academic freedom for academic staff of registered higher education providers and their constituent institutions, in the provision of higher education by registered higher education providers and their constituent institutions.'*

\* \* \*

### *Oxford and Cambridge*

When Oxford published a Strategic Plan for 2013-8, it still confidently asserted 'the creative autonomy of individuals':

*'We believe that deciding what to research is a matter for the individual researcher or research group. This belief reflects the value we accord to the principle of academic freedom, enabling the pursuit of academic enquiry subject to the norms and standards of scholarly undertaking, without interference or penalty. This freedom to seek out truth and understanding, whether through theoretical or empirical means, will ensure that our strong core disciplines flourish' (para.19).<sup>5</sup>*

The current Strategic Plan replaces this with a 'Vision' which includes merely a mention of 'long-standing traditions of independent scholarship and academic freedom'.<sup>6</sup> Cambridge has no 'strategic plan', but it has an updated s.43 code to which a Statement on Freedom of Speech was linked after a recent period of challenge.<sup>7</sup>

Both Oxford and Cambridge have relevant current policy statements, but they were created for very different reasons. Oxford's is to be found in a Statement of Freedoms in Statute XII. This was needed when it was proposed to make radical changes to the protections the Statute afforded (Oxford's version of the Model Statute created by the Commissioners under the 1988 Act). In future only disputes involving a question of academic freedom were to get those protections, including the Visitation Board and the Appeal Court. For other disputes the speedier route to resolution under a revised Statute XII was created as approved by the Privy Council in February 2017.

The Statement of Freedoms lists 'freedoms' which 'comprise "academic freedom" for the purposes of this statute' and 'are accorded protection in Parts C and D through the Visitation Board'. These 'freedoms of ex-

pression' apply 'regardless of whether those freedoms are exercised within or outside the context of University employment' and include 'the freedom to participate in professional bodies or representative bodies of their choice in accordance with the law and the University's recognition agreements with trade unions in force from time to time'; and provide that 'in the context of their University employment' academic staff 'shall have particular freedoms pertaining to academic teaching and research', namely:

*'that, provided that they fulfil their contractual duties and honour any applicable agreements with research funding bodies, they shall be free without fear of any professional or personal reprisal or disadvantage, to:*

*(i) carry out research on subjects of their choosing, and publish and disseminate the results of that research as they wish and in whatever form they wish without any interference or any suppression;*

*(ii) conduct teaching in a manner that they consider appropriate according to the standards and norms of the relevant department or faculty.'*

*There are detailed provisions to make it possible to determine whether a given dispute involves 'academic freedom'.*

Cambridge's University Statement on Freedom of Speech<sup>8</sup> came into being for quite different reasons (outlined in my article in the *Oxford Magazine* of Fifth Week). It has a place in the Statutes and Ordinances only in a footnote and is said to have been 'approved by the University on 9 December 2020' though the footnote is to an update to Cambridge's s.43 Code approved in September 2020 and having its place among the Ordinances as already noted. It says that it sets out 'the University's commitment to freedom of thought and expression'. It includes only obliquely the additional and essentially different principle of the 1988 legislation in:

*'The University's core values are 'freedom of thought and expression' and 'freedom from discrimination'. The University fosters an environment in which all of its staff and students can participate fully in University life, and feel able to question and test received wisdom, and to express new ideas and controversial or unpopular opinions within the law, without fear of intolerance or discrimination.'*

It adds:

*'The University will ensure that academic staff have such freedom within the law and within the University's own provisions without placing themselves at risk of losing their job or any University privileges they have.'*

\* \* \*

### *Implications*

How important is it, then, to attribute to 'academic freedom' something beyond the freedom of speech the laws allow to everyone. The s.43 protection was and remains designed to deal with no-platforming and attempts to bar the expression of unfashionable opinions on a university 'campus'. In Oxford and Cambridge each college as owner of its land has its own version, variously fulfilled. This is a broad freedom of speech protection not specifically a protection of an 'academic' freedom.

'Academic freedom' evolved to protect independence



in a community of scholarship where differences of opinion are often fierce but where their holders meet in recognition of the supreme importance of hearing them, and seeking to rebut them by rational argument. That was the way it was done in a medieval disputation, with the case for each side put by students with the evidence and authorities to support it, and a ‘determination’ by a presiding Master of Arts. Then, of course, there was no employment of the Masters, only their membership of the University as a corporation.<sup>9</sup>

The question which has remained unanswered since 1988 is whether the questioning and testing of received wisdom and the putting forward of new ideas by academic staff is protected if it challenges the management of the university. In Oxford and Cambridge their democratic constitutions provide ways to do that safely, but chiefly for members of Congregation or the Regent House. In both, there have arisen questions of classification of those staff who enjoy the protections of 1988 under their statutes, and those who do not, at a time when unprotected academics and researchers grow more numerous. Oxford’s Statute XII description of academic freedom applies only to those academic staff covered by the Statute. Cambridge’s Statement on Freedom of Speech is heavily focussed on the student behaviours to which the s.43 code applies, with only passing reference to ‘staff’:

*‘The University expects all staff and students to receive and respond to intellectual and ideological challenges in a constructive and peaceable way.’*

There remains a question as to the best way for a university to ensure that academic freedom is respected in practice. Cambridge is attempting to replace Dignity at Work with a Mutual Respect Policy.<sup>10</sup> The intention is to bring about culture-change but the proposal is concerned only with University employees, not college employees and not with students. Moreover, it elaborates an immense menu of arrangements for the dispute resolution the proposed new policy would make necessary.

The Congregation Question published in the *Gazette* on 9 June also seeks culture change, together with procedural change in Oxford, including the introduction of some means of early-stage dismissal of allegations involving an aspect of academic freedom. The Sixth Week *University Bulletin* included an invitation to a conference on the Focus team’s “Continuous Improvement” scheme for ‘all University staff across all levels and job functions’.<sup>11</sup> This also leaves out college employees and students. Nor does it seem to have in mind the adjustment of current domestic legislation or procedures. A re-read of the debates during the change to Statute XII which produced Oxford’s current Academic Freedom definition is a reminder of the difficulties of designing such legislation and of getting Congregation’s approval.<sup>12</sup> Amending it will take time.

<sup>1</sup> Charles Henry Cooper, *Annals of Cambridge* (Cambridge: Cambridge University Press, 1852-1908), 5 vols., Vol. II, p.7.

<sup>2</sup> 94 ER 881.

<sup>3</sup> <https://www.officeforstudents.org.uk/media/6a2c97b5-5176-461d-b8d8-8d77210284d4/ofs-business-plan-2022-23-final-accessible.pdf>

<sup>4</sup> <https://publications.parliament.uk/pa/bills/cbill/58-03/0001/220001.pdf>

<sup>5</sup> <https://www.ox.ac.uk/about/organisation/strategic-plan/research?wssl=1>

<sup>6</sup> [https://www.ox.ac.uk/sites/files/oxford/field/field\\_document/Strategic%20Plan%202018-23.pdf](https://www.ox.ac.uk/sites/files/oxford/field/field_document/Strategic%20Plan%202018-23.pdf)

<sup>7</sup> Statutes and Ordinances, p.209 and <https://www.governanceand-compliance.admin.cam.ac.uk/governance-and-strategy/university-statement-freedom-speech>.

<sup>8</sup> <https://www.governanceandcompliance.admin.cam.ac.uk/governance-and-strategy/university-statement-freedom-speech>

<sup>9</sup> See *R (ex p. Riniker) v UCL* [1995] ELR 213, 216.

<sup>10</sup> <https://www.hr.admin.cam.ac.uk/hr-policy-consultations-easter-term-202122-full>

<sup>11</sup> <https://focus.admin.ox.ac.uk/ci-conference>

<sup>12</sup> *Gazette*, 12 May, 26 May, 9 June (2016), and Flysheets.

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*Literary Editor:*  
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Not  
the  
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# Possible reforms to the EJRA

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SARAH HARPER

The Oxford Institute of Population Ageing was founded in 1998 as a multi-disciplinary research unit addressing population ageing and its implications.

The EJRA Review Committee asked us to explore approaches taken by overseas universities in countries with age discrimination legislation which might serve as options for the Committee to consider. We considered European, North American and Australian universities and our full report plus PPT slides can be found on the EJRA website

Oxford University is not alone in considering the merits of EJRA. In many countries there has been considerable public debate on the consequences of ending mandatory retirement for senior academic staff, much framed by rhetoric and preconceptions.

Justifying retirement procedures to avoid performance management for older academics risks conflating age with capacity, and wrongly assumes that ageing is necessarily a process of decline and deterioration. The use of 'voluntary' redundancy or compulsory age-based removal to manage older academics risks treating all older academics as a group, rather than assessing individual capacity.

As the Oxford legal academic Sandra Fredman so eloquently wrote:

*"it is ... an affront to the dignity of the individual to assume that he or she automatically shares the characteristics of everyone else in his or her age group."*

Other risks include unequal treatment of older academics across different departments, and may require older academics to 'over-perform' compared with junior academics to justify their retention beyond retirement age.

We drew on our understanding of current UK government initiatives around the review of *Second State Pension Age Review* (SPA)<sup>1</sup> and introduction of *Mid-life Reviews*.<sup>2</sup> As a result we highlighted in particular two initiatives used by other universities which Oxford might consider.

## *Increase EJRA Retirement Age to 70*

The UK government is currently undertaking a review of state pension age (SPA),<sup>3</sup> and is likely to take both Life Expectancy (LE) and Healthy Life Expectancy (HLE) into account. It is likely to recommend a further rise in State Pension Age, and may differentiate between income and education groups.

There is significant diversity in health among socio-economic groups. For example, while a 65-year-old man in the bottom third of the education/income/deprivation index will have a LE of 80 his HLE means that he will spend much of his 70s in ill health. Alternatively, a 65-year-old man in the top third of the education/income/deprivation index will have a LE approaching 90 and his HLE means that he will not incur significant ill health, frailty

nor disability, until he reaches 80, spending much of his 70s with high levels of physical and mental capacity.<sup>4</sup>

Oxford academics by definition fall into the latter category. It is also particularly to be noted that due to the nature of academic research and teaching, an EJRA of before the year in which the academic turns 69 is in reality for many only 68. This means that from age 63 a senior academic may not automatically apply for a 5-year centre grant, from 65 may not automatically apply for a 3-year standard grant nor automatically accept a new PhD student as primary supervisor. This particularly affects current female academics who, due to their cohort experience, may well have reduced their academic career trajectory in mid-life due to parenting responsibilities, returning in their late forties/early fifties.

A hastening of rises in SPA's is supportive of the suggestion of increasing the EJRA to 70. This is also already the case in Germany and Ireland,<sup>5</sup> which have accepted 70 for senior academics, and Norway which has accepted 72. In the US, where there is no mandatory age, 73 has been introduced in some cases.

## *Introduce Mid-life/Senior Review*

Mid-life Reviews are becoming standard in many occupations, and are supported by government policy. These occur at around 50 and consider the next 20 years of active life in the domains of health, employment and income. Mid-life reviews help people to think and plan the later stages of their working lives: to make informed decisions about changing jobs or career; about how and when to retire; about their finances; and how to manage health and caring responsibilities. We believe that these reviews are effective and shift the emphasis away from retirement, to better career planning.

Reflecting on the years between 50 and 70 in a considered manner enables planned decision-making for the individual and better planning for the employer. Many individuals decide to make a career change when they realise that they are considering 20 healthy active years ahead.

These reviews also enable employers to work with individuals around transitions, and to enable younger academics to progress their careers in the understanding that key job opportunities are available and when these will be available. Mid-life reviews thus enable a 20-year planning scenario for individuals, departments, divisions and the wider University, enabling longer term mentoring, training and career progression at an appropriate point in one's University life. However Mid-life reviews needs to be a wholistic operation, embedded within the culture of the University and respected by all generations.

\* \* \*

These two initiatives are often supported by other measures, such as phased retirement and transition programmes, and by providing post-retirement opportunities both salaried and unsalaried for both research and teaching through post-retirement contracts.

- <sup>1</sup> Second State Pension age review: independent report call for evidence – GOV.UK ([www.gov.uk](http://www.gov.uk))
- <sup>2</sup> Mid-life MOT The midlife MOT: take control of your future now – Your Pension
- <sup>3</sup> Second State Pension age review: independent report call for evidence – GOV.UK ([www.gov.uk](http://www.gov.uk))
- <sup>4</sup> OIPA based on ONS/HLE data
- <sup>5</sup> New legislation on public service superannuation was enacted in 2018. This provides for a compulsory retirement age of 70 for members of the new public Single Public Service Pension Scheme – started in 2013. This covers all academic staff appointed after that date.

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## As a Moment Glimpsed Only Through Migration

Not knowing how to order their lives if not  
by burning, they moved from room  
to room. If there was something more than that  
taking hold, deep where the dreamer can't touch,  
I couldn't say. Outside, as usual, little resistance  
at the flesh. Having reaped the lightning, they bound it  
steadily and with tenderness, endless, rain  
frailing the afterthought. Then winter, already. Then dew  
along the windows. A still-flowering maple branch,  
which is to say an artform, of their survival. The wild geese  
have escaped from their paintings – feel the wound. As if  
painting is nothing more than the sound the sky makes  
in hunger. Paletteless. As if even that was enough  
to live in. The hands you fell into were the colour  
of cut stems. Or the raw, unbitten blue  
their wings turn to, before they heal.

LEO KANG

Leo Kang is tucked away somewhere dour in West Yorkshire. His poems have been published or are upcoming in *Tilted House*, *Rust and Moth*, *COUNTERCLOCK*, and others. He is the First Prize-winner of the 2022 Tower Poetry Competition and holds an offer to read English at Clare College, Cambridge.

The next issue of Oxford  
Magazine will appear in  
noughth week

Remember that a wealth of information  
about the University has now been made available  
by the EJRA Review Group;  
[https://staff.admin.ox.ac.uk/working-at-oxford/  
ejra#tab-3236066](https://staff.admin.ox.ac.uk/working-at-oxford/ejra#tab-3236066)

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# Shaping our City

## – making Oxford Liveable

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CHRISTIAAN MONDEN

Our collegiate University has shaped the city of Oxford like no other organisation or industry. It is easy to think of this in the past tense but we, University and colleges, are still shaping the city and its surroundings, perhaps much more so now than we have done for a very long time. We are major landowners and developers throughout the city, on its fringes (Bayswater, Water Eaton, North Oxford, North Oxford Golf course, South Oxford Science Village/Land South of Grenoble Road) and beyond (Begbroke, Eynsham/Salt Cross).

An employee of the University or a college might hardly notice how much we still shape the city. Of course, we see some new buildings go up and many of us will remember the Castle Mill flats debacle. But when do we ever talk about the bigger picture? Even college trustees may know little about its land holdings and their future, or how that interacts with those of the University and other colleges. When and where do we talk about what we want the city to look like in 20 years from now? When and where do we discuss how we can use the extraordinary resources that we collectively have to make the city and its surroundings a better and sustainable place to live?

In fact, we don't talk about this nearly as much as we should and, most importantly, not enough in a joined-up approach where colleges and University work in unison. Discussions tend to be about individual buildings, specific sites, new builds or major refurbishment; or how college investment committees can maximize returns on investments and property portfolios.

We operate in a fragmented system with lots of room for nimbyism and short-term thinking. Add to that the particularity of England's planning system and the unhelpful political differences between the city and county councils and it is no surprise that Oxford has been sliding down the rankings as an attractive city to live in. Factors in this include house prices, air pollution, traffic congestion, and the difficulties and dangers of commuting.

Other cities, large and small, in the UK and much more so on the continent, are rapidly improving liveability across old and new neighbourhoods, moving away from last-century car-dependency. Meanwhile, Oxford has been stuck with a *status quo* of sub-standard sprawl for decades. Of course, this is first and foremost a responsibility of city and county councils. But as major players, the University and colleges must contribute more.

The 2018-2024 Strategic Plan does mention new housing, new buildings and improving active travel opportunities (cycling and walking) but the emphasis seems to have been new buildings and improving space utilisation. There is no mention and no sense of the University's role and responsibility in actively shaping the city outside of our buildings, or the spaces in between them.

Is there really a neutral position here? Pretending large swathes of the city are not an open campus, believing that we only bear responsibilities for neatly cut lawns but not the spaces and streets connecting them, or arguing that our colleges should focus on the returns on investment of their housing developments while not worrying about transport beyond the red lines of their plots, is not neutral. What we do not do, what we fail to do, shapes our city as much as what we do. Liveability is a return on investment too.

Some might argue that University and college employees should just leave all this to our investment committees and "relevant" central committees. But these committees are not tasked with looking at the bigger picture, and do not represent all stakeholders. We, college trustees and senior academics in particular, should not leave shaping our city to those bodies. We should talk about it much more. The University and colleges should work together more intensively and develop a bolder, longer-term vision to use the exceptional chances we have to help shape a greener, cleaner, more affordable, and more liveable Oxford.

Examples abound of cities that have found a workable consensus. Looking at common trends around active travel, walkable neighbourhood, high-density developments in places as different as Paris, Milan, Ghent, Barcelona, Utrecht, or Vienna, should give us cause for optimism. It is no secret that the University cannot compete on salary. We can't live off a logo alone. If, over the next decades, we want to attract and retain talent, we must use our full capacity to help transform Oxford from a stagnant and congested city to one that is not only attractive to work in but also to live in. All of us – college trustees and University staff – need to start talking about placemaking both as a responsibility and strategic goal, thinking about the bigger picture of a liveable city with every building and property development in and around the city.

The inherently fragmented nature of our collegiate University is a huge challenge. If you draw a map all college and University holdings and developments and colour them by the different entities, it is fragmentation that you will see. Use only one colour on that same map and you see the huge impact we (could) have. You could even see a number of clear corridors where our collective projects and the city/county at large would benefit from a joined-up approach to travel, land use, and development.

The University's next (2024-2030) Strategic Plan – if it happens – no doubt will talk about the impact of our research. I hope it will also talk about the direct and long-lasting impact we make right here in shaping our city and what we want that impact to be.

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## Der Gartenbaum

Nimm alles zurück. Ich habe die Dinge gesehen als das was sie sein sollen. Ich war im Supermarkt und habe Tütensuppe gekauft. Ich habe die Suppe mit exakt zweihundertundfünfundzwanzig Millilitern Wasser aufgegossen und verrührt. Ich habe sie gegessen. Was für ein Genuss. Winzige Partikel in Wasser. Dampf in meinem Gesicht. Der Gartenbaum hat dabei zugesehen. Er stand die ganze Zeit vor dem hellen Fenster und hat dabei zugesehen. Mich beobachtet. Seine Blätter blinkten im Wind. Stumme Bestätigung.

Drei Mal umrühren und man sieht die Wahrheit in einer Suppe. Einer Suppe aus Staub. Ich schaue zu meinem Gartenbaum. Er lacht nur zynisch. Meine kindliche Befriedigung verfliegt, meine Suppe ein simples Geschmackswasser. So leicht zerfällt meine Erwartung. Ein schwacher Druck mit der Hand und die Kette springt vom Zahnkranz. Hängt spannungslos neben den Ritzeln herab, wie eine Marionette mit durchtrennten Fäden. Es ist, da bin ich überzeugt, eine wohlbekannte Tatsache, dass Ritzel und Kette immer gleichzeitig ausgetauscht werden müssen. Sie gehören nur einander. Das Leben macht sie inkompatibel für den Wandel.

Ich schaue immer wieder, doch da gibt es nichts zu sehen. Wir wissen schon was passiert. Tropfen rinnen den fordernden Löffel hinab. Sie sind auf meiner Hand, auf meiner Haut. Ich lecke sie auf. Der Gartenbaum schaut. Schaut, als gäbe es etwas zu sehen.

Kindliche Neugier packt mich und ich will ihn berühren. Will ihn sehen, wie er ist. Will ihn berühren, als wäre es das erste Mal und meine Finger noch jungfräulich und unbefleckt wie der Tau der Rose, der wenn er dem Morgen entspringt sich leise streichelnd niederlässt. Doch er ist draußen im Garten der mich nicht herein lässt, der sich mir nicht erschließt. Voller Dinge, deren Name ich nicht kenne. Und so sehe ich nur den Gartenbaum. Zierliche Taille, schales Haar; ein zwei Schönheitsfleckchen. Definitiv ein weiteres Opfer der Konsumgesellschaft. Missgünstig versucht er an der Melodie der Natur teilzuhaben. Sein quergestützter Gehstock behindert ihn dabei. Die dicken Früchte entbehren jeglicher Melodik. Sie faulen wie ein blauer Schwan, der der Unausweichlichkeit des neuen Tages flieht, der das Nahen des Todes im stummen Blinken der Sterne erahnt.

Nun habe ich irgendwie Mitleid. Vielleicht, wenn ich dem armen Krüppel die gute Suppe anbiete, – vielleicht versteht er dann. Versteht wie ich es tue in der blinden Welt zu leben. Er könnte dann seine eigene Musik machen. Und man fände sie schön.

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## The Garden Tree

Take it all back. I saw things for what they were meant to be. I went to the supermarket and bought instant soup. I poured exactly two hundred and twenty-five millilitres of water into the soup and mixed it. I ate it. What a pleasure. Tiny particles in water. Steam in my face. The garden tree was watching. He stood in front of the bright window the whole time, watching. Watching me. Its leaves glinted in the wind. Silent confirmation.

Stir three times and you see the truth in a soup. A soup of dust. I look to my garden tree. He just laughs cynically. My childish satisfaction evaporates, my soup a simple taste water. So easily my expectations crumble. A faint pressure with the hand and the chain jumps off the sprocket. Hanging down tensionless next to the pinions, like a marionette with severed strings. It is, I am convinced, a well-known fact that pinions and chain always have to be replaced at the same time. They belong only to each other. Life makes them incompatible for change.

I keep looking, but there is nothing to see. We already know what is happening. Drops run down the demanding spoon. They are on my hand, on my skin. I lick them up. The garden tree looks. Looks as if there is something to see.

Childlike curiosity grips me and I want to touch it. I want to see it as it is. I want to touch it as if it was the first time and my fingers still virginal and unsullied, like dew on a rose that softly caresses it as it rises in the morning. But it is outside in the garden that does not let me in, does not reveal itself to me. Full of things whose names I do not know. And so I see only the garden tree. Slim waist, stale hair, a couple of beauty spots. Definitely another victim of consumer society. Begrudgingly, he tries to participate in the melody of nature. His cross-supported walking stick hinders him. The fat fruits lack any melodiousness. They rot like a blueish swan fleeing the inevitability of a new day, sensing the approach of death in the silent twinkling of the stars.

Now, somehow, I feel pity. Perhaps if I offer the poor cripple the good soup, – perhaps then he will understand. Understand how I live in the blind world. Then, he could make his own music. And it would be beautiful.

JULIA LORENZ

Julia Lorenz is an MSt student in Medieval German Literature at Oriel College, Oxford. Originally from Germany, her research interests primarily concern how relationships and identity interact with space in courtly literature. In her private life Julia writes extensively based on her personal experiences and thoughts.

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# Notes from Ivory Flats

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ROBERT FOLEY

## *In praise of ephemerality*

In 1998, the film *The Truman Show* was released to both financial and critical success. Starring Jim Carey, it told the story of a man who from birth was brought up on a film set, and whose life was broadcast continuously, from infancy to adulthood and marriage. His whole environment was made up of actors, and his life plotted out daily by the scriptwriters. The film inspired endless debates about reality, religion and the power of television. More than twenty years later, though, there is more than an echo of the Truman Story in the everyday life of academics.

The main theme of the Truman Show was that Truman lived a scripted and controlled life, in an entirely different world from those outside the filmset reality. Even more striking was that it was entirely public, although of course he was unaware of this. But there is another aspect, which in the days of streaming and box sets, has become more pertinent – its permanence. In the fictional world outside the Truman set (so not the real world, but the fictional real world) people could in principle replay particular bits of Truman's life at any time, pause it, dissect it, and check what he said or did at any moment of time. In other words, it was not just the artificiality and public nature of his life, but the fact that it was there to be recalled and re-watched forever.

Unlikely as it may seem, university life is converging on the Truman Story. How so? Even before Covid-19, there was a move towards the recording of events. I gave a seminar in Oxford in 2018, and it was the tradition of the organisers to stream this. I gave another lecture recently, and that was put up on my Department's YouTube channel. About the same time I started giving lectures that were recorded and uploaded, for students to watch in their own time. Streaming and recording of seminars was becoming more and more frequent prior to Covid-19, and since then has continued apace.

Streaming, recording and uploading to the cloud reflected a growing openness of scientific and scholarly communication, and often more than a nod towards equality of access to information. YouTube channels and websites full of TED-ish talks are also, no doubt, useful pieces of institutional and personal advertising. Recording may also have been a trend influenced by the development of MOOCs, although there is a vast gap between the professionalism of most MOOCs, pioneered of course by the Open University, and the dimly lit home-made movies of most recordings.

Covid-19 has now taken this to an almost Himalayan level. In my department many lectures are pre-recorded, and uploaded, either as a batch à la Netflix, or titillatingly embargoed week by week, hopefully with each lecture ending on a cliffhanger .... 'Watch next week to find out what happens when another factorial is added' .... Even lectures given live are recorded, helpful both to those for

whom once is never enough and for those for those unable to attend. And not just lectures. Then there are meetings that are recorded, to make minutes easier, and often put on intranets, so that sending your apologies that you sadly can't attend the timetabling sub-committee is no longer the get out of jail free card that it once was.

This is getting close to Truman Show territory – in a busy week your average lecturer might crank up to twenty hours of their lives permanently on record. When I was a child my parents would take me to their friends' houses, and after dinner there would often be the 'let's get out the slides of our summer holiday camping in the Brecon Beacons', a prelude to hours of boredom, often upside down boredom. Future academic parties might become similar occasions of terror:

*"After dinner, would you like to watch a few clips from my withering put downs of Professor Jones, and I also have some interesting footage of my thoughts on the biology of the liver fluke."* (that last one is for Dorothy L Sayers fans).

Perhaps more seriously, there is the fear of loss of privacy, for who knows in what institutional bowels these things may be stored for a later date:

*"Dr Loostung, you may be interested to know that Professor Jones has just been appointed Pro-Vice-Chancellor for Human Resources, and he thought you might like to listen to these recordings..."*

Many lecturers have also looked suspiciously at the release agreements that have to be signed, with suitably ambiguous phrases about the university having the right to do pretty much what they like with the recordings:

*"While we are obviously sad to hear that Professor Eggspert is retiring, some consolation can be taken from the fact that he has been replaced, at much lower cost, by an external disk drive, and his lectures will be no more out of date than they usually are. I am glad to say we are working on algorithms that will allow him to still make his valuable interventions at meetings, but at twice the speed".*

The issues of privacy and rights are serious, but they are also tangible enough for regulations and laws to hold the worst potential excesses in check. It is the intangible loss of ephemerality that concerns me. While some teaching and research talks involve a written script, in the sciences at least, a lecture or seminar is 'a talk'. It's my experience, certainly in recent years, these are largely done without notes at all. Powerpoint has made this much easier, although the temptation to put the entire script on the slides is often too much for some. But most of us 'talk to the slides', which are helpful prompts. Speaking for myself, what they prompt is not necessarily always the same thing! I might look at a graph and be inspired by one element of it on one occasion, and a different one on another.

Qualifications about results may on occasion be skipped due to lack of time. Claims that go beyond the data might be helpfully provocative, but can also be hostages to fortune. Sometimes an entirely new thought will come to me, and it is something one shares instinctively and with the hope of useful questions and suggestions. Sadly, that entirely new thought might turn out to be an entirely wrong thought.

And then there are the jokes and the offhand remarks. Admittedly these can be scripted. A social anthropology colleague of mine was asked by his very distinguished professor to give his lecture at the last minute. He was handed a set of scruffy pages. These were the complete text, so it was just a matter of reading the lecture. All went well until he turned the page, where a break in the text was marked in handwriting – ‘Tell the Inuit joke here’. Which, of course, he didn’t know.

But sometimes witticisms just arrive in the head, and out they tumble. Usually they are local, often personal, and may relate to who is in the audience. There may be a bit of chit chat, corrections from the audience, and even heckling. These are things of the moment, seldom good enough to be preserved for posterity. They are deeply contextual, and prone to the swirling changes of intellectual fashion. Not to mention changing generations. I came to realise sometime ago that clever allusions to dead parrots referred to television events more than fifty years ago, before the parents of the current crop of students were born, let alone the students themselves! But ad libs and improvised segments were alright, as the thought, the joke, even the bright insight, would fade after the talk with the certainty of a short isotopic half-life, and the decay could be accelerated by a nice post-seminar visit to the pub.

But this has now changed, perhaps forever. A recorded, uploaded, clouded seminar is forever. The ephemeral has

become digitally engraved. Tweeters and Facebook users have discovered this, often to their cost. Juvenile rashness and unguarded comments have brought a number of careers to an abrupt end. It is unlikely that many of our online lectures will be sufficiently interesting for that to happen, but there is the matter of context. The visiting seminar in Oxford is likely to be seen in an entirely different light in Delhi or Delaware. The effect on the speaker might be global embarrassment, but it is more likely that caution and sensitivity will lead to overwhelming blandness. For disciplines where discovery is competitive it has already led to talks being restricted to what has already been published, and novel ideas are seldom presented.

In the search for generality in trying to understand these consequences, I am drawn to comparisons with globalisation. There are many benefits to globalisation, not least the greater networking across different part of the world, and the same is true of our ability to share ideas, discoveries, methods much more widely. But as with globalisation, there are costs as well, and the primary one is the loss of the local. While I do not want to overdo a comparison between my seminars and a wonderful artisan French cheese, both benefit from being local, having a local context, what the French call ‘*terroir*’; they involve experiences that occur in a particular time and place. Streaming and global lectures and seminars run the risk of replacing Reblochon with Babybel. Not to mention, of course, that where we all used to trot around the country with the same talk, we now have to come up with something new every time, as there is a good chance that it is the same audience!

So, a small tear for lost ephemerality, for the weakening of the local, and for the blandness of context-free academia, and the risk of corny jokes growing even staler. With search engines, all is lost. Or rather, not lost.

#### NOTICE

The Editors of the *Oxford Magazine* regret that they cannot publish any material submitted to them anonymously. If the author requests publication on the basis that the author’s name and university address be withheld from the readership, the Editors will consider the reasons given and in their discretion may publish on that basis; otherwise the material will be returned to the author.

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## Psychic Bobcat

He was there when I glanced up – survivor  
of a time long distant when the earth, on  
her first spring, sustained countless diverse  
creatures unseen since: the Megalodon,

the Smilodon, the Troodon, the Quagga,  
Moa and Titanoboa. His trance  
declared him as a vortex of disorder  
embodied in that zero bullshit stance;

so there he was, eyes pinned on Dakota, primed  
to disconnect and deconstruct, his  
special skill to execute in moments, blind,  
with the fluency of itamae's

edge, and as little fuss. "You see me  
as blank necessity, unreflecting, too  
strange to be known. You domesticate the  
unfamiliar by making it new

with metaphor: that's all you've got, the  
bluntest of blunt instruments, language tricks,  
gewgaws with which to distract children, while we  
continue to perplex – a beast that outstrips

your scientific reach. You cannot step  
inside my heart – I will always be strange  
to you, though I see down into your depths,  
far more than you suspect." His voice engaged

me for a moment – felt along the blood –  
and then was gone, like him. Later I glanced  
upriver and saw him stepping from the flood.  
He turned and held me with his eyes, entranced

me because he knew he could, with a nod  
to say he'd be back one of these fine  
September days, swathed in goldenrod,  
blazing star and jewelweed, to find

us lying idle in the sun and then,  
should chance allow, enjoy himself with both  
of us. I haven't seen him since but when,  
sometimes, I sense we may not be alone,

I tightly grip my cane, certain he'll  
be victor in the end: time's his friend.  
He'll sup on the spoil of anglers' creels  
long after my soul has been condemned.

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## Skin

Dakota pulled something from a pile  
of leaves against the cabin wall: graceful,  
translucent, filigree snakesuit. I  
took it inside and laid it on a table.

Volatile, given strange power of speech by  
exposure to light, it addressed me  
in the head: "Sad human, transmogrify,  
perhaps in time you'll see reality:

matter's what changes – nothing else!" Voices  
melt from the treetops when you're alone  
in the forest. There were few choices;  
I decided to bury it under the stone

just outside the cabin door. That was two  
months gone; each day the voice returns  
to bewail its fate – forcibly subdued,  
hidden from light, for freedom it yearns

yet remains out of sight, though in my mind,  
lamenting restraint. Oh trance-traveler,  
whirled by hurricanes out of your rhyme,  
stay – safe from entropy, time's unraveller.

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## On the Trail

I follow the old Cherokee trail towards  
the land of blue mist, see those beasts who've lived  
here since it was forged – who've long perceived  
how selfish man can be – how he rewards

himself for slaughter, laying waste, burning  
every living thing, poisoning the land  
for generations to come. As I stand  
beneath the shelter of trees, yearning

for forgiveness, I feel nothing, no sense  
of comeback, spirit-presence, just my own  
voice in the head rattling on alone  
into an emptiness of nothingness.

Fled are the spirits; we've ourselves for company  
and thoughts of what we've done to this country.

DUNCAN WU

Duncan Wu is a former Fellow of St Catherine's College and is now Raymond A. Wagner Professor of Literary Studies at Georgetown University, Washington, DC.



# REVIEWS

## High moral ground



Stephen Golding, *Oxford University on Mont Blanc: The Life of the Chalet des Anglais* (Profile Editions, 2022). £30.



*The Chalet, built in 1865.*

In *Brideshead Revisited* Charles Ryder imposes himself on his reluctant father during the long vacation, who protests, 'In my day we used to go on what were called reading parties, always in mountainous areas. Why? Why... should Alpine scenery be thought conducive to study?' *Oxford University on Mont Blanc: The Life of the Chalet des Anglais* is a contribution towards answering this question. It studies the wooden Chalet des Anglais above St Gervais in the Haute-Savoie. It was built in about 1865 by David Urquhart (1805-1877), and was acquired by his son Francis Fortescue Urquhart (1868-1934) (Sligger), who became a Fellow of Balliol College and used it for reading parties. This is what David Urquhart had to say about the dry-heat Turkish bath, so it was only to be expected that one should be installed at the Chalet:

*'The body has come forth shining like alabaster, fragrant as the cistus, sleek as satin and soft as velvet. The touch of your own skin is electric...'*

*There is an intoxication or dream that lifts you out of the flesh, and yet a sense of life or consciousness that spreads through every member.'*



*Sligger at the Chalet in 1912.*

It was burnt down in 1906, but rebuilt, and has continued as a venue ever since.



*The rebuilt Chalet.*

Sligger found the alpine venue a useful place to indulge his taste for promoting the lives and careers of attractive and promising young men in whom he recognised merit. Ambitious rock-climbing was discouraged, and card-playing, but strenuous walks were undertaken after serious study was finished. After his death the future of the Chalet was problematical until eventually it was taken over by Balliol College, University College and New College. In a highly detailed survey, based on impressive coal-face research, Stephen Golding, who is now the Chairman of the Chalet Trust, provides full details of the building and its numerous guests. The profuse information might be a bit much for the average reader, but Chalet-ites will find it fascinating. It is one more contribution to a number of studies which have emphasised the importance of the Alps, and particularly Mont Blanc, in British culture. The initiation of the process is studied in Carl Alexander McKeating's Leeds D. Phil. thesis *Mont Blanc in British Literary Culture 1786-1826* (2020). Chalet-ites have been given the opportunity over the decades to hold, as Shelley puts it in 'Mont Blanc', 'an unremitting interchange/ With the clear universe of things around.'

The social traditions behind the Chalet emerge from the academic culture of Victorian Oxford, in which the classics informed a wide swathe of behaviours. In the forefront was the constant presence of submerged or overt homosexuality, or homoeroticism, or homosensuality or homosociability, if one prefers softer terms. Even a heterosexual such as Matthew Arnold is in sight of the tendencies. When a clergyman protested at him bathing in public in the nude he said, 'Is it possible you see anything indelicate in the human form divine?' This ought to be in James Sutherland's *The Oxford Book of Literary Anecdotes* (1975), but it isn't. Arnold's chapters on Hebraism and Hellenism in *Culture and Anarchy* (1869) form influential discussions of the forces at work. His great friend Arthur Hugh Clough encapsulated the phenomenon of the reading party in *The Bothie of Toper-na-Fuosich: A Long Vacation Pastoral* (1848), where the undergraduates study the classics, including 'Thicksides' (Thucydides) and 'Tottle' (Aristotle). It was pity that he discovered only after it was printed that the title was indecent Gaelic; writing to Tom Arnold in remote New Zealand he kept the revelation in the prophylactic, decent obscurity of Latin: 'It turns out, they tell me, to mean what Horace calls "teterrima bella causa" – ! – O mercy ! – It is too ludicrous not to tell some one, but too appalling awkward to tell anyone on this side of the globe.'

*The Bothie* has entered the memory as the classic statement, as

John Fuller recalls in his verse letter to his Magdalen College colleague Angus Macintyre:

*How was your reading party? Tough?  
Did you decide once was enough  
Or will your pupils call your bluff  
And come next year?  
Was it like something out of Clough,  
But not so queer? (Epistles to Several Persons, 1973)*

Yes, there is homo-eroticism in *The Bothie*, witness the description of Arthur Audley bathing (modelled on Herbert William Fisher possibly – Ralph Vaughan Williams’s father-in-law):

*And they looked, and wondered, incredulous, looking yet once more  
Yes, it was he, on the ledge, bare-limbed, an Apollo down-gazing,  
Eyeing one moment the beauty, the life, ere he flung himself in it.*

He is watched by ‘the Piper, the Cloud-compeller’ – mock-Homerically smoking that is. Thackeray particularly liked ‘the young fellow bathing shapely with shining limbs.’ But then in the poem there’s the heterosexual: the short-skirted Highlander lassies, ‘Petticoats up to the knees, or, it might be a little bit higher, / Matching their lily-white legs with the clothes that they trod in the wash-tub!’

A dominant figure in the story is Walter Pater, whose *Studies in the History of the Renaissance* (1873) was so scandalous that sermons were preached against it. Pater had a close shave with ‘the Balliol Bugger’ William Money Hardinge (1854-1916), recounted by Billie Inman in *Pater in the 1990s* (1991). Some believe that Pater’s Emerald Uthwart is modelled on Urquhart. I don’t altogether buy it, although some of the letters in the names are the same. Urquhart might not have been an active homosexual, but he was close to the boundary. He appears in a telling vignette in John Betjeman’s *Summoned by Bells* (1960):

*What time magnolia’s burst into bloom,  
By Balliol’s brain-grey wall,  
See clever satyr sprawl,  
And well-bred faun,  
Round ‘Sligger’ in his deck-chair on the lawn.*

A. J. Ayer told us years ago at the Phrontisterion talking-club in Brasenose, thinking of pre-First World War days, about the time ‘when homosexuality lubricated the relations between dons and undergraduates.’ Many were charmed by Sligger but not all. Jenifer Hart, Herbert Hart’s wife, fulminated against him in my presence and Rupert Hart-Davis described him as ‘a purring old doctored tom-cat.’ Christopher Cox’s younger brother David found staying at the Chalet ‘absolute agony’.

The Chalet is in that tradition that includes Ruskin’s Hinksey road and his Corpus breakfasts, of going beyond the formal requirements of university teaching. In 1863 Ruskin planned to build a chalet above Bonneville on the top of the Breven, 4,000 feet up, but his Oxford tutor Osborne Gordon talked him out of the crazy scheme. The locals were suspicious when they saw him with a geologist’s hammer in his hand, and thought he must have found ‘a gold mine or a coal-bed’ on the site (*Praeterita*, 2. 11)



Sligger and Harold Macmillan. Victor Mallet (later Ambassador to Spain and Italy) (right) and Stephen Hewett (killed in the First World War) (behind).

The roll-call of names visiting the Chalet is impressive, since many went on to have distinguished careers. An important one of the pre-First World War Sliggerati is Harold Macmillan, and there is a photograph of him with his head resting on Sliggers’s thigh. He never forgot the visits, and when portrayed in Hugh Whitmore’s play *A Letter of Resignation* (1997) this is what he had to say:

*‘I was up at Balliol. It was the happiest time of my life. Sligger Urquhart was Junior Dean. A wonderful man, Sligger Urquhart. The first Catholic don at Oxford since the Reformation. Not an outstanding scholar but a man of the greatest kindness and generosity of spirit. He had a chalet near Mont Blanc, and a group of us went there for a summer holiday, a reading party. We talked, we climbed, we read, we argued. I remember waking up one morning and looking out at the mountains and the clear, cloudless sky and thinking: I am now, at this moment, perfectly happy. Within a few months, war was declared and that golden age was gone forever.’*

It’s not entirely convincing as a piece of reconstruction, such things never are, but it is within sight of the typical attitudes of those who visited the Chalet. I recall that when Macmillan visited the Oxford Union in 1961 he reminisced about the friends he lost in the First World War. This was when that Union bore Philip Whitehead moved a motion of adjournment. Does *anyone* now remember him?



Sligger at the Chalet. Aubrey Hampden Barrington-Kennett (University College) is on the left; he and his two brothers were killed in the First World War.

Kenneth Clark (there in 1924) skived off and indulged in *vitello alla Milanese* and Chianti in a local restaurant, and when in *Civilisation* one catches sight of him in his smart jacket and tie on a mountain-side one registers that he sympathises, to a degree, with Medieval and Renaissance figures who thought that doing a walk for pleasure was ridiculous. Still, his experiences at the Chalet would have provided him with some material for the Romantic and Sublime sections of *Civilisation*. Episode 11 has Alpine scenes overlain with Cecil Day-Lewis reading from Coleridge’s ‘Hymn before sunrise in the Vale of Chamouni’ (1802), but Clark does not point out that Coleridge never saw ‘the awful head’ of the ‘sovrain Blanc’. At least Shelley did when he wrote ‘Mont Blanc’ in 1816.

Other guests include Jo Grimmond, Lord Balniel, (who became Chairman of the National Trust), Richard Crossman, Quintin Hogg, Douglas Jay, and Cyril Connolly (for whom the ‘sombre enemy’ of ‘the pram in the hall’ was not yet on the horizon). A number of undergraduates who went on to become Heads of Houses were there: Michael Sadler (University College), Tom Boase (Magdalen College), William Hayter (New College), John Maud (University College), John Sparrow (All Souls) and Humphrey Sumner (All Souls). In one photograph Richard Pares looks like the younger brother of the talented Mr. Ripley. The boulder Bob Boothby, who had an affair with Dorothy Macmillan, came, as did Denis Healey, wearing lederhosen – one would pay good money to see that.





Richard Pares at the Chalet (standing fourth from the left). Talented Mr. Ripley look-alike.



Matt Damon as the Talented Mr. Ripley.

It's a great pity Waugh did not visit the Chalet, because he could have worked it into one of his fictions, and that would have been worth reading. For many the weeks spent just below a hill with a view of Mont Blanc were the happiest of their whole lives. There were other reading parties going on before the First World War, but the Chalet is the most famous one. If it were included in the Norrington Table it would often be at the top or near the top. Incidentally, Arthur Norrington (at the Chalet in 1921) produced the OUP edition of Clough's poems in 1986. Anthony Kenny (Master of Balliol from 1978 to 1989) is a key player in the history of the Chalet, and he published a biography of Clough in 2006. George Mallory was a friend of Sligger's, but seems not to have visited the Chalet, depriving it of the chance to contribute to the history of the climbing of Everest. Lytton Strachey observed that he exhibited Praxitelean and Botticellian comeliness.

I knew both Roger Mynors and Frank Lepper when I was a lecturer at Corpus Christi. If I had known I was to write this review I could have quizzed them extensively about the Chalet. Roger Mynors's twin brother Humphrey was a Deputy Governor of the Bank of England – which came in useful for making repairs when bypassing Harold Wilson's draconian limit on the amount of Stirling was one was allowed to take out of the country in the 'sixties. Herbert Hart (Principal of Brasenose from 1973 to 1978) remi-

nised to me about the Chalet, and when he revisited it in the early 'seventies he found a note of a hike he had undertaken in the 'twenties, and decided on a reprise – forgetting that he was no longer in full possession of youthful vigour, and he had to be rescued. When he came to write his essay 'American Jurisprudence through English Eyes: The Nightmare and the Noble Dream' (1977) he wrote, 'there are important aspects of even very large mountains which cannot be seen by those who live on them but can be caught easily by a single glance from afar.' An image which might have been drawn from visual resources garnered in the French Alps.

There came a point when young women started to attend the Chalet parties. Golding does not go deeply into the way in which this must have had some impact on the ambience. Is there some fiction waiting in the wings? The late Carol Clark of Balliol, first woman to be elected as a fellow at a men's college, led a party. She was a scholar of Rabelais and Montaigne. Some of us might have wished to learn more about the *fosse septique* and the *bac dégraisseur*. The wooden fabric has always been somewhat fragile, and the Urquharts and the subsequent owners might have been better off with a sound stone house. The modern age has made computers possible up there. Sligger 'would have spun in his grave at the thought of installing a router' for computers – even if he knew what a router was. Lap-tops do provide opportunities for serious work, since the Chalet does not have an extensive library.

There is a chapter on the reading party in fiction. The chalet is a first-cousin to the country house, as a place where murders and hauntings can take place in an isolated environment. The mini-series *Le Chalet* (2017-18) is in this genre. The fictions mentioned include Michael Sadleir (son of Michael Sadler) and Amanda Brookfield. An extract from Golding's own novel *That Other Summit* is included. The Chalet even encouraged poetic effusions – including an example by Arthur Cunliffe (not the footballer). One is reminded of the bit of doggerel in Browning's *The Inn Album*: 'Hail, calm acclivity, salubrious spot!'

Other places play their part in informal education away from the Colleges themselves. Ottoline Morrell's Garsington Manor is an example, a magnet for interesting figures, including undergraduates. One of them was the novelist L.P. Hartley, producer of the often-quoted mot, 'The past is a foreign country: they do things differently there.' Hartley was also a visitor to the Chalet in 1920. Another was Julian Huxley (brother of Aldous) a visitor at both the Chalet (1908 and 1910) and Garsington – where he met his wife Juliette Baillot, who was Ottoline's daughter's governess. Other places, away from the main centres, play a similar role. Harold Acton's Villa La Pietra in Florence is now owned by New York University. If Oxford had played its cards right we could have had it, and then, we could have had William Morris's Kelmscott Manor, but the Society of Antiquaries got it instead. It would have made a nice utopian study-centre, although one can't be certain how careful the young lubberly hobbledehos would have been with the priceless relics.

The reading-parties were interrupted by the Second World War, when the Chalet was occupied by Meredith Starr (1890-1971) (his real name was Herbert Close). It's funny how things connect up; D.H. Lawrence came across him when he was living in Zennor, Cornwall, in 1917 and described him in a letter to Cynthia Asquith:

*'There are near some herb-eating occultists, a Meredith Starr and a Lady Mary ditto: she a half caste, daughter of Earl of Stamford. They fast, or eat nettles: they descend naked into old mine-shafts, and there meditate for hours and hours, upon their own transcendent infinitude: they descend on us like a swarm of locusts, and devour all the food on shelf and board: they even gave a concert, and made most dreadful fools of themselves, in St. Ives.'*

\* \* \*

It will be interesting to see how this book is received. It will provide ammunition for those constitutionally, and unthinkingly and instinctively and automatically opposed to all things Oxonian, and there has even been sniping from within the University, witness a *Cherwell* article of 22 May 2011. Yes, it presents a picture of a largely idyllic life, and if Oxford is place of privilege, then the Chalet

is up at even more stratospheric levels. It was and is an archetypal venue for networking, and networking often gets a bad press. Still, the roll-call of people associated with it is impressive, and it would be churlish to say they were all undeserving and corrupt. It is all too tempting to assume that the personnel of meritocracies are without merit. The book ends with a chapter titled 'What has it meant?', and puts the Chalet into perspective in relation to higher education and the concept of collegiality. There is a consensus that higher education is most worthwhile when there is a close working relationship between teacher and student. From what one hears this is not now always the case, and the Covid crisis has only exacerbated the problem.

There are rivals for the Chalet. Peter Thonemann of Wadham College and Ray Ockenden organise reading parties in Cornwall at Lamledra House near Gorran Haven, built by John Fischer Williams, and inherited by Jenifer Hart and her four sisters. It was once owned by Herbert and Jennifer Hart. It is a substantial Arts and Crafts house and a cut or two above the Chalet, and is fictionalised by Fenella Gentleman in *The Reading Party* (2018). She admits that she found Clough's *The Bothie* 'near incomprehensible'. Lamledra House is closer to what Maurice Bowra planned to launch – a more sybaritic and less spartan version of the Chalet.

I should have appreciated a decent map of the area. I don't want to go back to the Haute-Savoie: it has been devastated by the intrusive infrastructure for the baneful ski industry. When I was at nearby Megève some time back the pastoral slopes were violated by street lights, so that morons could ski at night. When my brother and I skied on home-made skis on Dudley golf-links back in remote times we did not leave such an ineradicable foot-print.

The book may be purchased via [stephen.golding@nds.ox.ac.uk](mailto:stephen.golding@nds.ox.ac.uk)

BERNARD RICHARDS

Sir – Bernard Richards, in his review of Katherine Rundell's *'Super-Infinite: The Transformation of John Donne'* in the last issue, writes, "...only half of the age of 18 to 30 year-olds in Britain have ever heard of Marilyn Monroe. So what hope is there for Donne?". What hope indeed?

The portrait of Donne that used to hang in the Hertford College dining hall was removed some few years ago. Photographic portraits, among them of Fiona Bruce and Natasha Kiplinsy, replaced him. As an old member of the college, after reading Bernard's review, I went along to find him. There was no sign of him in the hall, although both William Tyndale and Thomas Hobbes have regained their rightful places.

Then the lodge porter told me that he thought the portrait now hung in the SCR. I went to the SCR and found no trace there. The SCR steward assured me it was there; but we searched to no avail. A couple of random Fellows were there. One said it was back in the hall and the other had no idea about where it could be. Next, I asked the College secretary. She was of the opinion

that it was in the SCR, and when I reported that it wasn't, she kindly asked the outreach officer to check. Unsurprisingly, the result was negative.

Subsequently I wrote an e-mail to the college's archivist, but, alas, she didn't know its whereabouts; she would make enquiries. At the time of writing this letter, there has been no reply and so I assume that investigations are ongoing. Where is the portrait? After the purge from the college hall, does John Donne now belong to the ranks of the "disappeared"?

Yours sincerely

BRIAN MARTIN

Oxford

## In Praise of Learning

Henry the Eighth,  
Defender of the Faith,  
Was not a wraith.

Nor was he blind  
To the life of the mind:  
To improve our knowledge,  
He founded a college  
And appointed a Dean.

This Dean was quite keen  
To impress the regime  
Of Henry's successor –  
And the Dean was no messer.

He purged the Library  
Of all its books of Catholic heresy.  
Thus in the Golden Age of English Literature  
The Library was bookless, Oxford out of the picture.

Yet Providence provided for the godly  
Intervention of Sir Thomas Bodley.  
This Protestant prudently married an heiress,  
A pilchard merchant's widow, a millionairess,  
And so Sir Thomas could end Elizabeth's glorious days  
By instructing his librarian not to buy any plays.

MICHAEL ALEXANDER

Michael Alexander has recently published a book of poems, *Here at the Door*, with the Shoestring Press. Of his *History of English Literature*, the *Higher Educational Supplement* reviewer wrote, 'If I had my way, every student of English would be supplied with a copy of this book.'

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## CONTRIBUTORS TO THIS ISSUE

Bryn Harris (Wadham, 2004) is Chief Legal Counsel, the Free Speech Union • Karolien Celie (Lucy Cavendish, 2019) is Legal Officer, the Free Speech Union • G.R. Evans was Professor of Medieval Theology and Intellectual History at Cambridge • Sarah Harper is the Director, Oxford Institute of Population Ageing • Christiaan Monden is Professor of Sociology & Demography at the University of Oxford • Robert Foley is Leverhulme Professor Emeritus and Fellow of King's College, Cambridge • Bernard Richards is an Emeritus Fellow of Brasenose College